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CV - 2007

07-CV-01392-ORD

UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF WASHINGTON
 AT SEATTLE

05	KARL LOUIS AMMANN,) CASE NO. C07-1392-MJP
06	Petitioner,)
07	v.) ORDER DISMISSING § 2254
08) PETITION WITHOUT PREJUDICE
09	STEVE THOMPSON,)
10	Respondent.)

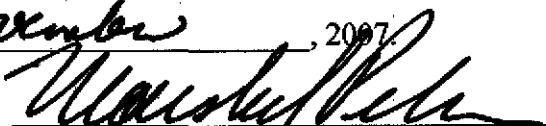
11 The Court, having reviewed the petition for writ of habeas corpus (Dkt. No. 1), the Report
 12 and Recommendation of Mary Alice Theiler, United States Magistrate Judge (Dkt. No. 3),
 13 Petitioner's objections to the Report and Recommendation (Dkt. No. 7), and the remaining
 14 record, does hereby find and Order:

- 15 (1) The Court ADOPTS the Report and Recommendation;
- 16 (2) Petitioner's petition for writ of habeas corpus, and this action, are DISMISSED
 17 without prejudice for failure to exhaust state remedies;
- 18 (3) Petitioner may not challenge the conditions of his confinement, including his
 19 medical care, in a federal habeas action under 28 U.S.C. § 2254; and
- 20 (4) Petitioner's request that his fiancee be appointed guardian ad litem (GAL) is
 21 DENIED. Petitioner has offered no legal support for his request that a GAL be
 22 appointed, and it does not appear that he meets the requirements of Fed. R. Civ.

01 P. 17(c). See Allen v. Calderon, 408 F.3d 1150, 1153 (9th Cir. 2005) (holding that
02 Federal Rule 17(c), which requires that the Court appoint a GAL for all infants or
03 incompetent persons not otherwise represented, applies to habeas petitioners as
04 it does to other civil litigants).

05 The Clerk is directed to send copies of this Order to Petitioner and to Judge Theiler.

06 DATED this 2 day of November, 2007.

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08 MARSHA J. PECHMAN
09 United States District Judge
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